Supreme Court, U.S.
FILED

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No. 00-

IN THE
Supreme Court of the United States

DENNIS E. NIXON and LORIE A. NIXON,

Petitioners,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

I. DID SHANNON NIXON HAVE A RIGHT TO REFUSE MEDICAL CARE PURSUANT TO HER RIGHT TO PRIVACY AS GUARANTEED BY THE UNITED STATES CONSTITUTION, THUS NEGATING THE PARENTAL DUTY TO PROVIDE MEDICAL CARE?

II. DID THE PROSECUTION AND CONVICTION OF THESE PETITIONERS VIOLATE THEIR AND THEIR DAUGHTER'S ABSOLUTE RIGHT TO FREE EXERCISE OF THEIR RELIGION UNFETTERED FROM INTERFERENCE BY THE STATE?

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The November 27, 2000 opinion of the Supreme Court of Pennsylvania, whose judgment is herein sought to be reviewed, is published at 761 A.2d 1151 and is reprinted in Appendix A to this Petition.

The prior opinion of the Superior Court of Pennsylvania, entered September 21, 1998, was published at 718 A.2d 311 (Appendix B).

The Orders of the Court of Common Pleas of Blair County, Pennsylvania at Criminal No. 1260 and 1261 CR 1996 are not published and are reprinted in Appendix C and D, respectively.

STATEMENT OF JURISDICTION

The judgment of the Pennsylvania Supreme Court was entered on November 27, 2000. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

Constitution of the United States, Amendment I:

> **Freedom of Religion, Speech and Press; Peaceful Assemblage; Petition of Grievances**
>
> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Constitution of the United States, Amendment IX:

> **Construction of Enumerated Rights**
>
> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

STATEMENT OF THE CASE

Petitioners were arrested on September 5, 1996 and charged with violations of 18 Pa. C.S.A. § 2504, Involuntary Manslaughter, and 18 Pa. C.S.A. § 4304, Endangering the Welfare of Children. These charges were filed as a result of the death of the couple's sixteen-year-old daughter, Shannon, on June 21, 1996. Subsequently, the district attorney of Blair County, Pennsylvania, filed a criminal information against both Petitioners, charging the above named criminal offenses. On October 10, 1996, Attorney Steve Passarello, on behalf of both Petitioners, filed an Omnibus Pretrial Motion and raised the federal and state constitutional questions at the earliest opportunity, *i.e.*, when pretrial motions were filed in the trial court in accordance with the requirements of the Pennsylvania Rules of Criminal Procedure. (17A)[1] Petitioners also raised the affirmative defense that the victim, Shannon Nixon, was a mature minor, who was able to make health care decisions on her own and that she, acting in that capacity, chose to follow her own and her parents' religious beliefs in refusing any medical treatment.

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1. References to page numbers followed by the letter "A" refer to the Reproduced Record filed in the Supreme Court of Pennsylvania in this case.

On February 11, 1997, Petitioners' Omnibus Pretrial Motion was argued before the Honorable Norman D. Callan. Though no testimony was presented, trial counsel offered to call the Petitioners to testify as to the maturity of their daughter in support of the motion. This offer was refused by the trial court.

Petitioners argued, both at the pretrial and trial stages of the trial court proceedings, that Shannon's age (three days shy of her seventeenth birthday at the time of her death), relieved the Petitioners of the statutory duty to provide medical care to her and to force her to subject to medical care against her own religious beliefs. The trial court dismissed this claim, without prejudice to raise it later if the evidence at trial raised a question of emancipation. Instead, the trial court held that the statute was a strict liability crime, imposing criminal responsibility upon the Petitioners for neglect of their parental duty to a child under the age of eighteen, without regard to the child's religious beliefs, the Petitioners' religious beliefs, or the maturity of the child.

On April 21, 1997, Petitioners proceeded to a jury trial, which concluded on April 22, 1997. The trial court denied the Petitioners' motions for judgment of acquittal and refused to instruct the jury that the maturity of Shannon Nixon could be considered in determining whether the Petitioners violated a parental duty of care to provide medical treatment. By jury verdict, both Petitioners were convicted of all charges.

Petitioners each were sentenced on June 10, 1997 outside the permissible range of the Pennsylvania Commission on Sentencing Guidelines and to the statutory maximum of not less than two and one-half nor more than five years incarceration. A timely appeal to the Pennsylvania Superior

Court was filed on June 24, 1997. The trial court did not file an opinion in support of its rulings, but filed the statement attached to this Petition in the Appendix.

By Opinion and Order dated September 21, 1998, the Pennsylvania Superior Court affirmed the judgments of conviction. Petitioners' Petition for Allowance of Appeal to the Pennsylvania Supreme Court was granted and, by Opinion and Order dated November 27, 2000, the Orders of the Superior Court and the judgments of sentence of the trial court were affirmed.

Petitioners Dennis and Lorie Nixon are the parents of eleven children, as well as the deceased, Shannon Nixon. For three generations, the Nixon family have been members of the Faith Tabernacle Church. This religion, founded upon Christianity and founded in 1897 in Philadelphia, Pennsylvania, has as one of its tenets the belief in the healing of the body through prayer. Because the members of this religious sect find support in the passages of the Bible (James, Chapter 5, Verses 14 and 15)[2], they decline to be treated for any illness by intrusive medical services, relying instead upon the power of prayer. Shannon Nixon, the Petitioners' daughter, was sixteen years old, three days short of her seventeenth birthday at the time of her death. She, like her parents, was a devout follower and member of the Faith Tabernacle Church. She was baptized and joined the church at age eleven, attended church services regularly and was educated at the Faith Tabernacle School. Shannon was a responsible young adult and an independent young adult. She traveled frequently to

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2. "When we are sick we are to call for the elders of the church, to pray over them, anointing them with oil. And the prayer of faith would save the sick. And the Lord would raise them up." (311A)

Philadelphia and to New Jersey to visit with friends who were also members of her church. She had been employed by her father's company (Signature Door Co., Inc., of Altoona, Pennsylvania) and had previously worked as a teacher's aide at her school. While working as a teacher's aide, Shannon had signed and received an exemption from the requirements of the Worker's Compensation Law in Pennsylvania, as well as an exemption from the Social Security Act; both exemptions based upon her religious beliefs.

On Sunday, June 16, 1996, Shannon returned home from a trip to Philadelphia at approximately 10:30 p.m. Petitioner Lorie Nixon testified that she thought that something may have been wrong with her daughter at that time, but Shannon said nothing to her mother then. Mrs. Nixon mentioned her feeling to her husband, Dennis, and they agreed to "take a stand" in accordance with the tenets of their faith and to pray together for Shannon. On Tuesday morning, June 18, 1996, Shannon expressed some concern to her mother about her health. She thought that she may have been losing weight, and she seemed to be drinking an inordinate amount of water. At that time, Shannon herself asked her parents to contact their pastor so that she could be anointed, the prescribed method for treating illness pursuant to the Faith Tabernacle Church. Shannon went with her parents to the home of their pastor, who happened to be her grandfather, Pastor Nixon. There she was anointed with oil and the parties joined in a prayer of faith and healing in accordance with the teachings of the Scriptures and of their faith. After the anointing, Shannon and her father went to work at Signature Door, and they both stayed at work the remainder of that day without incident.

On Wednesday morning, June 19, 1996, Shannon complained of dizziness and made the decision to stay home from work. That evening, when the family departed for their regular worship service, Shannon declined to attend and chose to stay home and listen to a taped sermon. While at home on that evening, Shannon spoke with her friend, Sherry Chandler. She told Sherry that she wasn't feeling well and would not be able to travel to Philadelphia on the following weekend. She also told Sherry that she was looking to God for her victory. Upon the family's return from church services, an upbeat Shannon answered the door and indicated to her parents that her symptoms had alleviated and that she had received her victory. A "victory" as defined in their faith, indicates that her prayer of healing had been answered.

In the early morning hours of Thursday, June 20, 1996, Shannon woke her mother and asked for her help in getting something to eat. After eating some chicken noodle soup, Shannon became sick and could not keep food in her stomach. Her vomiting persisted throughout the day until dinnertime, when Lorie Nixon again contacted Pastor Nixon and asked for an agreement in prayer. An agreement in prayer consists of both Lorie Nixon and other members of the faith praying for the symptoms to abate. Shortly thereafter, Shannon began to maintain food in her stomach and was not vomiting. During the evening hours of Thursday, Shannon spoke to her older brother, Dennis Nixon, Jr. In response to his query about her health, she replied that the devil was fighting hard, but was not going to win.

On Friday, June 21, 1996, Shannon was very weak. Both her parents stayed by her side in prayers throughout the day. At approximately noon time, Pastor Nixon arrived and the family stood together in prayer. About 4:00 p.m. that day,

Shannon became unresponsive to questions and at 7:30 p.m., Pastor Nixon contacted the funeral home and told them that Shannon had passed away. At no time during these several days did Shannon ever express a desire to treat with or to see a doctor. Had she expressed such a wish, both Petitioners would have honored and acceded to her wishes and supported that decision.

Shannon's body was removed from the family home and delivered to the hospital. An autopsy was performed, and it was determined that she died of complications related to the rapid onset of diabetes acidosis. This condition, though treatable, is incurable. It requires a steady maintenance of insulin by way of insulin injections given at a minimum of one each day, and possible as many as three per day. Refusal at any time to continue insulin treatment would result in a 100% chance of fatality. Following the autopsy, the City of Altoona police department initiated these criminal proceedings.

REASONS FOR GRANTING THE WRIT

I.

SHANNON NIXON HAD A RIGHT TO REFUSE MEDICAL CARE PURSUANT TO HER RIGHT TO PRIVACY AS GUARANTEED BY THE UNITED STATES CONSTITUTION, THUS NEGATING THE PARENTAL DUTY TO PROVIDE MEDICAL CARE.

The right to privacy is protected by the United States Constitution. While no specific guarantee of a right of privacy is to be found in the Constitution, this Court has said that zones of privacy are created by the more specific

constitutional guarantees — the so-called penumbra of constitutional rights — and governmental intrusion into these zones is thereby limited. *See, e.g., Paul v. Davis*, 424 U.S. 693, 96 S. Ct. 1155, 47 L. Ed. 2d 405 (1976); *Roe v. Wade*, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973). This right of privacy is a fundamental one, said to be a right older even than the Bills of Rights. *Roe v. Wade, supra*; *Griswold v. Connecticut*, 381 U.S. 479, 85 S. Ct. 1678, 14 L. Ed. 2d 510 (1965). The roots of the right may be found in the penumbra of various specific constitutional provisions such as the First Amendment's guarantee of freedom of speech and press, *see, e.g., Roe v. Wade, supra*; *Cohen v. California*, 403 U.S. 15, 91 S. Ct. 1780, 29 L. Ed. 2d 284 (1971); *Stanley v. Georgia*, 394 U.S. 557, 89 S. Ct. 1243, 22 L. Ed. 2d 542 (1969); and of freedom of association, *see, e.g., NAACP v. Alabama*, 357 U.S. 449, 78 S. Ct. 1163, 2 L. Ed. 2d 1488 (1958); the Third Amendment's prohibition against the peacetime quartering of soldiers in any house without the consent of the owner, *see, e.g., Katz v. United States*, 389 U.S. 347, 88 S. Ct. 507, 19 L. Ed. 2d 576 (1967); the Fourth Amendment's prohibition of unreasonable searches and seizures, *see, e.g., Roe v. Wade, supra*; *Griswold v. Connecticut, supra*; the Fifth Amendment's privilege against self-incrimination, *see, e.g., Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1062, 16 L. Ed. 2d 694 (1966), and *Murphy v. Waterfront Com. of New York Harbor*, 378 U.S. 52, 84 S. Ct. 1594, 12 L. Ed. 2d 678 (1964); and the Ninth Amendment's reservation to the people of rights not expressly enumerated in the Constitution, *see, e.g., Griswold v. Connecticut, supra*, and *Mapp v. Ohio*, 367 U.S. 643, 81 S. Ct. 1684, 6 L. Ed. 2d 1081 (1961). This protection envisions two distinct privacy interests: the individual interest in avoiding disclosure of personal matters and the

interest in independence in making certain kinds of important decisions without governmental interference. *Whalen v. Roe*, 429 U.S. 589, 97 S. Ct. 869, 51 L. Ed. 2d 64 (1977).

The right to refuse medical treatment has deep roots in our common law. More than a century ago, this Court recognized that "no right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person. . . ." *Union Pacific Railway Co. v. Botsford*, 141 U.S. 250, 251, 11 S. Ct. 1000, 1001, 35 L. Ed. 734 (1891).

Even if the individual who is refusing treatment is a minor, the right to privacy, as well as other constitutional principles, apply equally and are equally vested in minors. The courts have recognized that minors, as well as adults, are protected by the Constitution. *See, e.g., Breed v. Jones*, 421 U.S. 519, 95 S. Ct. 1779, 44 L. Ed. 2d 346 (1975) (double jeopardy clause prohibits prosecuting a juvenile as an adult after an adjudicatory finding in juvenile court that he had violated a criminal statute); *Goss v. Lopez*, 419 U.S. 565, 95 S. Ct. 729, 42 L. Ed. 2d 725 (1975) (children may not be deprived of certain property interests without due process); *Tinker v. Des Moines School District*, 393 U.S. 503, 89 S. Ct. 733, 21 L. Ed. 2d 731 (1969) (allowing high school students freedom of expression to protest the Vietnam war in school); *In re Gault*, 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967) ("neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."); *In re Winship*, 397 U.S. 358, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970) (holding that a 12-year-old boy is entitled to the procedural safeguards contained in the Sixth Amendment). In fact, this Court, in *Bellotti v. Baird*, 443 U.S. 622, 99 S. Ct. 3035, 61 L. Ed. 2d 797 (1979) held that a Massachusetts statute requiring that a

minor obtain parental consent to an abortion unconstitutionally burdened the right of the pregnant minor to seek an abortion. The Court recognized three reasons that, in certain instances, the constitutional rights of children cannot be equated with those of adults: the peculiar vulnerability of children; their inability to make critical decisions in an informed, mature manner; and the importance of the parental role in child rearing. 443 U.S. at 634, 99 S. Ct. at 3043. "Indeed, affirmative sponsorship of particular ethical, religious or political beliefs is something we expect the State *not* to attempt in a society constitutionally committed to the ideal of individual liberty and freedom of choice." 443 U.S. at 638, 99 S. Ct. 3045. This Court then went on to say that, while it is preferable to encourage a family rather than a judicial decision about a minor's obtaining an abortion, the constitutional rights of the minor must be protected by not requiring parental notice or consent. Later, in *H.L. v. Matheson*, 450 U.S. 398, 101 S. Ct. 1164, 67 L. Ed. 2d 388 (1981), the Court held that a mere notice requirement to the parents of an unemancipated, dependent child does not violate that child's constitutional rights. It should be noted that the Court specifically found that there was no claim of maturity by this child *and* that there was no finding about any parental relationship. The Court reinforced its holding in *Bellotti v. Baird, supra*, that a state may not constitutionally legislate a blanket, unreviewable power to the parents to veto a minor's abortion. This Court also recognized, yet again, that "constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society. *Ginsberg v. New York*, 390 U.S. 629, 639, 88 S. Ct. 1274, 1280, 20 L. Ed. 195 (1968)." *H.L. v. Matheson*, 450 U.S. at 410, 101 S. Ct. at 1171.

Once a court finds that an individual has a constitutionally protected right to privacy to engage in a course of conduct, the government's regulation limiting this right may only be justified by a "compelling state interest." *Roe v. Wade*, 410 U.S. at 154, 93 S. Ct. at 727. But, the right to privacy is not an unqualified right, and at some point the government's interest may become sufficiently compelling to sustain a regulation of the activity. *See, e.g.*, *Jacobson v. Massachusetts*, 197 U.S. 11, 25 S. Ct. 358, 49 L. Ed. 643 (1905); and *Buck v. Bell*, 274 U.S. 200, 47 S. Ct. 584, 71 L. Ed. 1000 (1927). Unlike the Pennsylvania Supreme Court, which has adopted the approach that only a compelling state interest will override one's privacy rights, this Court has applied a flexible balancing approach with increasing levels of scrutiny corresponding to increasing levels of confidentiality intrusions. *See* discussion in *Commonwealth v. Nixon*, 761 A.2d 1151, 1156 (Pa. 2000).

Shannon Nixon, three days shy of her seventeenth birthday, possessed a constitutionally protected right of privacy. Before the government may encroach upon this right, a compelling state interest must be presented sufficient to supplant her rights and her wishes to those of the state. Her right to refuse medical treatment pursuant to her constitutional right to privacy and her right to practice her religion unfettered from state interference were absolute. The United States Constitution recognizes a privacy interest vested in both adults and minors. This interest includes the right to refuse medical treatment. Shannon Nixon had a privacy interest that, absent a compelling statement interest that supplants her own rights, could not be infringed. Recognizing this right to refuse medical treatment eliminates the duty imposed on the Petitioners to provide treatment.

II.

THE PROSECUTION AND CONVICTION OF THESE PETITIONERS VIOLATES THEIR AND THEIR DAUGHTER'S ABSOLUTE RIGHT TO FREE EXERCISE OF THEIR RELIGION UNFETTERED FROM INTERFERENCE BY THE STATE.

The decision of the Pennsylvania Supreme Court directly penalizes the Petitioners' and their daughter's exercise of their religious belief. How can any Court hold these Petitioners criminally liable for putting their faith in God in accordance with the beliefs of their established religion and for allowing a devout sixteen-year old woman to follow the beliefs to which she has always held fast. A central tenet of the Petitioners' and the victim's faith is that life rests ultimately in God's hands. Petitioners and their extended family have adhered to that belief. This faith is concerned, not only with the child's and family members' physical well-being, but also for the spiritual interest or eternal interest. This is amply demonstrated by the wishes of Shannon Nixon to be anointed and to pray when she became ill. The evidence is also clear that she knew the availability of medical treatment and chose to forego that treatment and to be true to her faith and to her strongly-held beliefs. To require that her parents infringe on her exercise of those strongly held beliefs or that they be required, by a duty of care as parents to an adult child, to supplant those beliefs by governmental requirements, unconstitutionally infringes on her right and the Petitioners' right to free exercise of their beliefs and their religion.

Petitioners' right to hold and to practice their religious beliefs free from governmental interference is guaranteed by the free exercise clause of the First Amendment to the

United States Constitution as applied to the states by the Fourteenth Amendment. Petitioners' right to raise their child by those beliefs follows from the guarantee of religious freedom and the state's traditional deference to the parents' authority over their child. Petitioners' and their daughter's exercise of these rights brought them in conflict with other established law, *i.e.*, the Commonwealth of Pennsylvania's position that their failure to force medical treatment on their daughter in derogation of her own expressed wishes and beliefs is a violation of the criminal statutes of Pennsylvania, *i.e.*, that Petitioners violated an established duty of care to their daughter and thus were responsible for her death. This, despite the recognition by the statutes of Pennsylvania that "child abuse" does not include cases where ". . . the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion . . ." 23 Pa. C.S.A. § 6303(b)(3). In those cases, the statute provides for: close monitoring of the child; court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health; and other alternative methods of protection of the child, including general protective services, if appropriate. The statute specifically provides that the determination that the child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents shall not be referenced as child abuse. This specific exemption is in recognition of the two interests most recognized here: the parents *and the child's* right to free exercise of religion and the parent's claim to authority in their own household and in the rearing of their children.

The guarantee of freedom of religion is intended to secure the rights of the individual as against the state. Underlying the guarantee is a principle of neutrality, a belief that religion is "not within the cognizance of civil government." *Reynolds v. United States*, 8 Otto 145, 163, 98 U.S. 145, 163, 25 L. Ed. 244 (1878). As this Court recognized,

> To make accommodations between these freedoms and an exercise of state authority always is delicate. It hardly could be more so than in such a clash as this case presents. On one side is the obviously earnest claim for freedom of conscience and religious practice. With it is allied the parent's claim to authority in her own household and in the rearing of her children. The parent's conflict with the state over control of the child and his training is serious enough when only secular matters are concerned. It becomes the more so when an element of religious conviction enters. Against these sacred private interests, basic in a democracy, stand the interests of society to protect the welfare of children, and the state's assertion of authority to that end, made here in a manner conceded valid if only secular things were involved.

Prince v. Massachusetts, 321 U.S. 158, 165, 64 S. Ct. 438, 441, 88 L. Ed. 645 (1944).

Religious freedom is too sacred a right to be restricted or prohibited in any degree without convincing proof that a legitimate interest of the state is in grave danger and has not been addressed convincingly by the child and by the

legislature. In this case, the legislature has addressed the matter and has provided an acceptable exemption to any duty by the parents. Should not their constitutional rights also be protected, and more stringently, from any criminal culpability in exercising their religious beliefs.

The impact of the Commonwealth of Pennsylvania's prosecution is not only severe, but inescapable, for the Commonwealth's position affirmatively compels the Petitioners, pursuant to criminal sanction, to perform acts undeniably at odds with fundamental tents of their religious beliefs. Such a prosecution carries with it precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent. *See Wisconsin v. Yoder*, 406 U.S. 205, 92 S. Ct. 1526, 32 L. Ed. 2d 15 (1972). As Justice Douglas observed in his Dissent in *Wisconsin v. Yoder, supra*:

> These children are "persons" within the meaning of the Bill of Rights . . . .Where the child is mature enough to express potentially conflicting desires, it would be an invasion of the child's rights to permit such an imposition without canvassing his views. As in *Prince v. Massachusetts*, 321 U.S. 158, 64 S.Ct. 438, 88 L.Ed.2d 645 (1944), it is an imposition resulting from this very litigation.

406 U.S. at 242, 92 S. Ct. 1546.

In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 63 S. Ct. 1178, 87 L. Ed. 1628 (1943), this Court held that school children, whose religious beliefs collided with a school rule requiring them to salute the flag, could not be required to do so. While the sanction included

expulsion of the students *and* prosecution of the parents, the vice of the requirement was its interference with child's free exercise of religion.

When examining the state's interest in preserving the lives of its citizens, an important distinction must be drawn between protecting the state's citizens from injuries by a third party and protecting citizens from themselves. While the state has a substantial interest in protecting its citizens from each other, its interest is relatively low when the acts (or omissions) of one individual do not injure others or impact the public at large. This is consistent with the primary function of the state to preserve and to promote liberty and the personal autonomy of the individual.

> Refusing medical intervention merely allows the disease to take its natural course; if death were eventually to occur, it would be result, primarily, of the underlying disease, and not the result of a self-inflicted injury. In addition, people who refuse life sustaining medical treatment may not harbor a specific intent to die, rather, they may fervently wish to live, but to do so free from unwanted medical technology . . . On balance, the right to self-determination ordinarily outweighs any countervailing state interest and competent persons generally are permitted to refuse medical treatment, even at the risk of death.

In the Matter of Conroy, 486 A.2d 1209, 1225-26 (N.J. 1985).

As the Pennsylvania Superior Court today noted in *In re Duran*, 2001 Pa. Super. 52 (decided February 21, 2001), "Spiritual and religious considerations, rather than an intent

to die, motivated her refusal of blood transfusions." (Slip op. at 14). The Superior Court went on to say: "It is a difficult thing to decline potentially life-saving treatment for a loved one, rendered mute by her condition, on the basis of her devotion to religious beliefs." (Slip op. at 18-19). In this case, despite Shannon Nixon's status as a minor, she clearly manifested her desire to continue to practice her religious beliefs as set forth by her faith.

CONCLUSION

For all the foregoing reasons, Petitioners respectfully pray that their petition for a writ of certiorari be granted.

Respectfully submitted,

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